

# 25

FAX RECEIVED

SCHULTE ROTH &amp; ZABEL LLP

MAY 16 2003

Technology Center 2100

919 Third Avenue  
New York, NY 10022  
(212) 756-2000  
fax (212) 593-5955

2003 MAY 16 P 5:12

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To  
Special Programs ExaminersCompany  
Group 2100Fax No.  
703 305 8266Confirmation No.  
703 305 9712

FROM:	David E. Boundy	DATE:	May 16, 2003
DIRECT DIAL:	(212) 756-2522	Number of Pages:	6
FILE NO.:	005231.0003		

## TO: SPECIAL PROGRAMS EXAMINATION IN RE:

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/385,394

Art Unit: 2183

Filed: August 30, 1999

Examiner: Richard Ellis

Title: COMPUTER WITH TWO EXECUTION MODES

## AFTER FINAL – EXPEDITED PROCEDURE

Dear Group 2100: In a telephone conference with Supervisory Examiner Eddie Chan this morning, I was informed that the following papers had been received, but that a certification under Rule 8 was required. Thus, I am providing only the following certification. If you need further copies of the original documents, kindly let me know.

Kindly note that the Supplemental Petition for Withdrawal of Finality is a more-clearly-written version of the original Petition, covering exactly the same subject matter, in replacement for the earlier Petition. I would prefer that you consider only the Supplemental Petition, and discard the original Petition.

I certify that the following documents were transmitted by FAX on May 2, 2003 at 3:35 PM to FAX number 703 305 3719, a number instructed by Supervisory Examiner Eddie Chan:

- FAX cover sheet with certificate of FAX transmission
- a copy of the sending unit's reports confirming the prior transmissions of April 1, April 10 and May 1
- Supplemental Petition For Withdrawal of Finality
- Petition For Withdrawal of Finality
- Affidavit of David R. Levine
- Notice of Appeal

THE INFORMATION CONTAINED IN THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

*For incomplete transmission please call (212) 756-2000 ext.6076*

I certify that the following documents were transmitted by FAX on May 1, 2003 at 5:05 PM to FAX number 703 308 5355, a number instructed by Supervisory Examiner Eddie Chan:

- FAX cover sheet with certificate of FAX transmission, and FAX receipts from April 1 and April 10
- a copy of the sending unit's reports confirming the prior transmissions of April 1 and April 10
- Petition For Withdrawal of Finality
- Affidavit of David R. Levine
- Notice of Appeal

I certify that the following documents were transmitted by FAX on April 10, 2003 at 11:45 PM to FAX number 703 305 3719:

- FAX cover sheet with certificate of FAX transmission
- Petition For Withdrawal of Finality
- Affidavit of David R. Levine

I certify that the following documents were transmitted by FAX on April 1, 2003 at 4:40 PM to FAX number 703 746 7238:

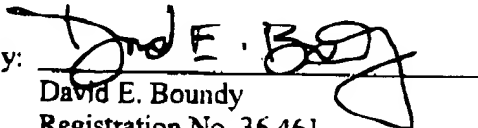
- FAX cover sheet with certificate of FAX transmission
- Notice of Appeal

As provided by 37 C.F.R. § 1.8(b)(3), enclosed herewith – and with the Fax resubmissions of May 1 and May 2 – are “[copies] of the sending unit's report[s] confirming transmission.”

Kindly phone me at 212 756-2522 to confirm that this submission is received. If you can identify any characteristic of the prior submissions that caused the difficulties in receipt, I would appreciate it if you could let me know how to make the process run more smoothly in the future. Thank you.

Dated: May 16, 2003

By:

  
David E. Boundy  
Registration No. 36,461

RETRANSMISSION OF EARLIER PAPERS

~~Petition For Withdrawal of Finality~~  
9435514.1

\*\*\*\*\*  
TRANSMISSION REPORT  
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(FRI) MAY 2 2003 15:48

DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4261294-787	5. 2 15:35	5. 2 15:35	12' 03"	39	ECM	OK

DESTINATION	DST. TEL #
0003#17033053719	9003#0052310003#17033053719

**SCHULTE ROTH & ZABEL LLP**

919 Third Avenue  
New York, NY 10022  
(212) 756-2000  
fax (212) 508-6055

2003 MAY -2 P 3 33

\*\*\*\*\*

**F A C S I M I L E**  
**PLEASE DISTRIBUTE TO ALL LISTED PERSONS**

<b>To</b>	<b>Company</b>	<b>Fax No.</b>	<b>Confirmation No.</b>
Supervisory Examiner Eddie Chan	Group 2100	703 305 3719	703 305 9712

<b>FROM:</b>	David E. Boundy	<b>DATE:</b>	May 2, 2003
<b>DIRECT DIAL:</b>	(212) 756-2522	<b>Number of Pages:</b>	24 39
<b>FILE NO.:</b>	005231.0003		

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/385,394

Art Unit: 2183

Filed: August 30, 1999

Examiner: Richard Ellis

Title: COMPUTER WITH TWO EXECUTION MODES

**AFTER FINAL - EXPEDITED PROCEDURE**

**Supervisory Examiner Chan:** In response to your phone calls of yesterday and today, I am resubmitting papers originally filed April 10 2003:

- FAX cover sheet with certificate of FAX transmission, and FAX receipt
- Petition For Withdrawal of Finality
- Affidavit of David R. Levine

and papers filed April 1, 2003:

- FAX cover sheet with certificate of FAX transmission, and FAX receipt
- Notice of Appeal

In addition, enclosed is a:

- Supplemental Petition For Withdrawal of Finality

the Supplement is a more-clearly-written replacement addressing the same issues as the earlier-filed Petition. I certify that these papers are being re-transmitted by facsimile on May 2, 2003 to the Commissioner for Patents, Box AF, Arlington, Va.

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TRANSMISSION REPORT  
\*\*\*\*\*

(THU) MAY 1 2003 17:21

SCHULTE ROTH &amp; ZABEL LLP

DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4862691-804	5. 1 17:04	5. 1 17:04	15' 58"	24	ECM	OK

DESTINATION	DST. TEL #
0003#17033085355	9008#0052310003#17033085355

**SCHULTE ROTH & ZABEL LLP**

919 Third Avenue  
New York, NY 10022  
(212) 756-2000  
fax (212) 583-5855

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2003 MAY -1 P 5:03

**FACSIMILE**  
**PLEASE DISTRIBUTE TO ALL LISTED PERSONS**

To	Company	Fax No.	Confirmation No.
Group Director Stewart Levy	Group 2100	703 308 5355	703 305 3900

<b>FROM:</b>	David E. Boundy	<b>DATE:</b>	May 1, 2003
<b>DIRECT DIAL:</b>	(212) 756-2522	<b>Number of Pages:</b>	24
<b>FILE NO.:</b>	005231.0003		

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/385,394

Filed: August 30, 1999

Title: COMPUTER WITH TWO EXECUTION MODES

Art Unit: 2183

Examiner: Richard Ellis

**AFTER FINAL - EXPEDITED PROCEDURE**

**Director Levy:** In response to a phone call received from Supervisory Eddie Chan, I am resubmitting papers originally filed April 10 2003:

- FAX cover sheet with certificate of FAX transmission, and FAX receipt
- Petition For Withdrawal of Finality

and papers filed April 1, 2003:

- FAX cover sheet with certificate of FAX transmission, and FAX receipt
- Notice of Appeal

I certify that these papers are being transmitted by facsimile on May 1, 2003 to the Commissioner for Patents, Box AF, Arlington, Va.

**FACSIMILE**  
**PLEASE DISTRIBUTE TO ALL LISTED PERSONS**

To  
 Group Director  
 Stewart Levy

Company  
 Group 2100

Fax No.  
 703 305 3719

Confirmation No.  
 703 305 3900

FROM:	David E. Boundy	DATE:	April 10, 2003
DIRECT DIAL:	(212) 756-2522	Number of Pages:	28 19
FILE NO.:	005231.0003		

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/385,394

Filed: August 30, 1999

Title: COMPUTER WITH TWO EXECUTION MODES

Art Unit: 2183

Examiner: Richard Ellis

## AFTER FINAL - EXPEDITED PROCEDURE

Director Levy: As we discussed about ten days ago, here is a Petition for Withdrawal of Final Rejection. Kindly consider it expeditiously. Thank you.

I hereby certify that the attached

- This FAX cover sheet

- Petition For Withdrawal of Finality — **AFFIDAVIT OF DAVID R. LEVINE**

along with any paper(s) referred to as being attached or enclosed) are being transmitted by facsimile on April 10, 2003 to the Commissioner for Patents, Box AF, Washington, D.C. 20231.

Dated: April 10, 2003

By:

*David E. Boundy*  
 David E. Boundy

Registration No. 36,461

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*For incomplete transmission please call (212) 756-2000 ext.6076*

94130963

0003#1703053719		9008#0052310003#1703053719	
DESTINATION		DST. TEL. #	
4862691-486	4.10 23:46	4.10 23:46	6.22.19
DOCUMENT #	TIME STORED	TIME SENT	DURATION
			PAGE(S)
			MODE
			RESULT
			OK

(THU) APR 10 2003 23:53  
 SCHULTE ROTH & ZABEL LLP

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 TRANSMISSION REPORT  
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TRANSMISSION REPORT  
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(TUE) APR 1 2003 16:41

SCHULTE ROTH &amp; ZABEL LLP. 25

DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4861207-754	4. 1 16:40	4. 1 16:40	52"	2	ECM	OK

DESTINATION	DST. TEL #
004#17037467238#	9008#0052310004#17037467238#

**SCHULTE ROTH & ZABEL LLP**

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fax (212) 503-5855

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**PLEASE DISTRIBUTE TO ALL LISTED PERSONS**

<b>To</b>	<b>Company</b>	<b>Fax No.</b>	<b>Confirmation No.</b>
Examiner Richard Ellis	Group 2183	703 746 7238	703 305 3900

<b>FROM:</b>	David E. Boundy	<b>DATE:</b>	April 1, 2003
<b>DIRECT DIAL:</b>	(212) 756-2522	<b>Number of Pages:</b>	2
<b>FILE NO.:</b>	5231.03-4000		

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/385,394

Filed: August 30, 1999

Title: COMPUTER WITH TWO EXECUTION MODES

Art Unit: 2183

Examiner: Richard Ellis

I hereby certify that the attached

- This FAX cover sheet
- Notice of Appeal

along with any paper(s) referred to as being attached or enclosed) are being transmitted by facsimile on April 1, 2003 to the Commissioner for Patents, Box AF, Washington, D.C. 20231.

Dated: April 1, 2003By: 

David E. Boundy

Registration No. 36,461

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	5357	
CONNECTION TEL		212+593+5955
SUBADDRESS		
CONNECTION ID		
ST. TIME	05/16 17:20	
USAGE T	02'21	
PGS.	6	
RESULT	OK	